



COMMONWEALTH of VIRGINIA
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MEMORANDUM

TO: BRIAN MCCORMICK
Regulatory and Manual Section Manager
Department of Medical Assistance Services

FROM: ELIZABETH A. MCDONALD
Special Counsel to DMAS

DATE: February 8, 2010

SUBJECT: Proposed Regulations concerning Outpatient Rehabilitation Agency and Long Stay Hospital Reimbursement (12 VAC 30-70 and 12 VAC 30-80)

I have reviewed the attached proposed regulations concerning Outpatient Rehabilitation and Long Stay Hospital Reimbursement.

Based on my review, DMAS has the authority to promulgate these regulations, subject to compliance with the provisions of Article 2 of the Administrative Process Act and has not exceeded that authority.

Virginia Code §§ 32.1-324 and 32.1-325 grant to the Board of Medical Assistance Services the authority to administer and amend the plan for Medical Assistance and authorizes the Director of DMAS to administer and amend the plan for Medical Assistance according to the Board's requirements. The authority for these proposed regulations derives from Items 306 XX and 306 BBB of the 2009 *Acts of the Assembly* (Chapter 781).

If you have any questions or need additional information, please feel free to contact me at 786-7363.

cc: Kim F. Piner
Senior Assistant Attorney General